

# CURBING MASS INCARCERATION BY REJECTING FEDERALISM

by  
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## **Abstract**

The United States holds roughly 5 percent of the total world population, but also houses 25 percent of global incarcerated individuals. We have the largest global incarceration rate, which supersedes comparable modern democracies such as England, Canada, and France but also “repressive” regimes such as Cuba and Russia. The United States began suffering from a spike in prison admittances in 1970, and continued along a path of consistent growth until 2008 where the combined state and federal incarceration rate peaked at 536 people per 100,000 individuals.<sup>1</sup>

The problem is oftentimes misunderstood, and while a common explanation for increased prison population growth is minor drug arrests and minimum sentencing laws, these variables partially create an explanatory relationship. Violent crime rates, outdated and overly aggressive legislation, a “tough on crime” rhetoric, unchecked prosecutors, and a fragmented, federalist criminal justice system create a more convincing argument helpful in explaining mass incarceration. This proposal seeks to build off of momentum generated by a willing public desire to ameliorate mass incarceration by proposing a federal plan to curb prison rates. The proposed bill seeks to complement existing victories individual states have experienced by implementing reformatory policies on a national scale.

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<sup>1</sup> “Data Collection: National Prisoner Statistics (NPS) Program.” United States Department of Justice, Bureau of Justice Statistics. 2010. Accessed October 5, 2018.

## **Acknowledgements**

With unrelenting gratitude, I thank my parents for creating the opportunity for my family and I to study in, experience, and capitalize on a life in the United States. Further, I thank my girlfriend Diane for her consistent patience and support.

## List of Tables and Figures

<i>Table/Figure</i>	<i>Page Number</i>
<i>State Prosecutor Behavior 1974-2007</i>	<i>5</i>
<i>State and Federal Public Funding for Prison Facilities</i>	<i>8</i>
<i>Population in Correctional Facilities from 1980 – 2005</i>	<i>10</i>
<i>Changes in Prison Populations after and During JRI</i>	<i>16</i>
<i>Projected and Reported Saved Costs in JRI States: 2010-2016</i>	<i>19</i>
<i>Greenberg Quinlan Survey Priorities</i>	<i>24</i>

## MEMORANDUM

To: Bob Goodlatte (R-VA) Chairman of House Judiciary Committee

From: Juan Camargo

Re: Federalized Prison Reform

Date: December 18, 2018

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### Action Forcing Event

Several news outlets, such as *The Washington Post* and *USA Today*, have reported that in 2018, the overall rate of mass incarceration in the United States is decreasing.<sup>2,3</sup> *USA Today* indicated that by year-end 2017, the “overall” United States prison population dipped below 1.5 million for the first time in ten years.<sup>4</sup> *The Washington Post* further indicated that the national prison population has been steadily dropping in the past ten years, and there was a 1 percent decrease in the national prison population from 2016 to 2017.<sup>5</sup> These news outlets seem to be indicating that the United States is experiencing a cohesive decline in the overall prison population, and a reduction in mass incarceration. The reality, however, is that the fragmented criminal justice system can create false truths. Two recent reports by the Vera Institute of Justice (“VIJ”) and the Abolitionist Law Center (“ALC”), both nonprofits specialized in analyzing public records and the

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<sup>2</sup> Humphreys, Keith. “The Decline of Mass Incarceration is Good for Everyone.” *Washington Post*. January 11, 2018. Accessed September 20, 2018. [https://www.washingtonpost.com/news/wonk/wp/2018/01/11/the-decline-of-mass-incarceration-is-good-for-everyone/?utm\\_term=.336778319d7e](https://www.washingtonpost.com/news/wonk/wp/2018/01/11/the-decline-of-mass-incarceration-is-good-for-everyone/?utm_term=.336778319d7e)

<sup>3</sup> Kang-Brown, Jacob and Hinds, Oliver. “Data Shows Mass Incarceration, Overall, is Decreasing. But the Public, Leaders Wouldn’t Know It.” *USA Today*. May 31, 2018. Accessed September 20, 2018. <https://www.usatoday.com/story/opinion/policing/data-casualties/2018/05/31/mass-incarceration-data-prison-policing-usa/652543002/>

<sup>4</sup> Ibid.

<sup>5</sup> Humphreys, Keith. “The Decline of Mass Incarceration is Good for Everyone.” *Washington Post*. January 11, 2018. Accessed September 20, 2018. [https://www.washingtonpost.com/news/wonk/wp/2018/01/11/the-decline-of-mass-incarceration-is-good-for-everyone/?utm\\_term=.336778319d7e](https://www.washingtonpost.com/news/wonk/wp/2018/01/11/the-decline-of-mass-incarceration-is-good-for-everyone/?utm_term=.336778319d7e)

United States Department of Justice (“DOJ”) data, have indicated that the trends continue to paint a bleak picture for the United States.

## **Statement of the Problem**

A part of the rhetoric revolving around mass incarceration places unnecessary emphasis on the war on drugs and its role in mass incarceration. In short, the issue is oftentimes misunderstood. According to the DOJ, in 1980, there were a total 294,000 individuals incarcerated, 19,200 of which were due to drug offenses.<sup>6</sup> Nationally, the United States is home to 5 percent of the global population while simultaneously holding a quarter of the world’s total prisoners. The United States’ incarceration rate is between four to eight times higher than other global modern democracies’ such as Germany, Canada, and England.<sup>7</sup> Evidence of increasingly repressive regimes such as Cuba and Russia with lower incarceration rates per capita when compared to the United States is further problematic.<sup>8</sup> In the early 1970s, the United States had relatively tame incarceration rates when compared to its European counterparts with developed democracies. In the late 1970s, however, these rates started climbing and nationwide, prison populations in state or federal institutions spiked from 200,000 in 1972 to 1.56 million in 2014.<sup>9,10</sup>

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<sup>6</sup> “Data Collection: National Prisoner Statistics (NPS) Program.” United States Department of Justice, Bureau of Justice Statistics. 2010. Accessed October 5, 2018.

<sup>7</sup> “Highest to Lowest- Prison Population Total.” World Prison Brief. 2018. Accessed October 5, 2018. <http://www.prisonstudies.org/highest-to-lowest/prison-population-total>

<sup>8</sup> Ibid.

<sup>9</sup> “Data Collection: National Prisoner Statistics (NPS) Program.” United States Department of Justice, Bureau of Justice Statistics. 2014. Accessed October 5, 2018.

<sup>10</sup> Pfaff, John F. Locked In: The True Causes of Mass Incarceration--and How to Achieve Real Reform. New York: Basic Books, 2017.

The ALC published a report in August 2018 indicating that Pennsylvania is currently housing 5,346 individuals serving life sentences without parole.<sup>11</sup> In Philadelphia alone, there are 2,694 individuals serving life sentences without parole, a figure that is more than any country in the world.<sup>12</sup> A May 2018 report from VIJ indicated that in 2017, Tennessee, Utah, Kentucky, South Dakota, and Wyoming were all experiencing growth in prison populations while the rest of the nation “declines.”<sup>13</sup> Nationally, the amount of federal inmates serving life sentences without parole has increased from 12,000 in 1992 to over 53,000 as of September 2018.<sup>14</sup> Although certain media outlets have expressed optimism, mass incarceration is rampant in unreported ways.

The change in rising crime rates, as previously outlined, was not due to increases in drug offenses, but due to increases in violent crime. In the 1960s, violent crime began to steadily increase, and by the 1980s, violent crime rates soared to over 250 percent above the 1960 figures.<sup>15</sup> By the early 1990s, crime was at close to 400 percent of its previous 1960 levels.<sup>16</sup> Prison populations, of course, spiked almost congruently during these timeframes, and accounted for roughly half of state and federal prison populations.<sup>17</sup> Violent crime cannot fully explain increases in prison populations, as in

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<sup>11</sup> Cozzens, Quinn and Grote, Bret. “A Way Out: Abolishing Death By Incarceration in Pennsylvania.” Abolitionist Law Center. September 2018. Accessed October 5, 2018. [https://abolitionistlawcenter.org/wp-content/uploads/2018/09/ALC\\_AWayOut\\_27August\\_Full1.pdf](https://abolitionistlawcenter.org/wp-content/uploads/2018/09/ALC_AWayOut_27August_Full1.pdf)

<sup>12</sup> Ibid.

<sup>13</sup> Hinds, Oliver et al. “People in Prison.” Vera Institute of Justice. May 2018. <https://www.vera.org/publications/people-in-prison-2017>

<sup>14</sup> Ibid.

<sup>15</sup> “Uniform Crime Reports 1960.” U.S. Department of Justice and Federal Bureau of Investigation: Uniform Crime Reporting Statistics. 2014. Accessed October 6, 2018. <https://www.bjs.gov/ucrdata/>

<sup>16</sup> Ibid.

<sup>17</sup> “Data Collection: National Prisoner Statistics (NPS) Program.” United States Department of Justice, Bureau of Justice Statistics. Accessed October 6, 2018.

the mid 1990s, crime declined while prison populations continued to increase.<sup>18</sup> This inverse relationship points to a more institutionalized catalyst for mass incarceration. The rhetoric during the spiking crime wave from the late 1970s and early 1990s was in support of incarceration, and “tough on crime” policies became the norm as a legislative reaction. Politicians incorrectly attributed the drop in crime in the mid 1990s to the “tough on crime” policies, and thus continued to support them.<sup>19</sup> Incarceration rates also continued to rise as counties and states became wealthier. The more funds that states and jurisdictions accrued throughout the years, the more that was spent on incarceration.<sup>20</sup> Another facet of the issue lies in the fractured nature of the United States criminal justice system. In reality, the United States does not have a unified system but instead a federalist system of fragmented and individual state systems. According to the Pew Research Center, 87 percent of inmates are held in state prisons.<sup>21</sup> The ideal target of reforms, thus, should be the state prosecutor’s office. Even with the aforementioned declining crime rates in the 1990s, prison populations increased. Part of this is attributed to aggressive state prosecution; more problematic, however, is a lack of data on nationwide prosecution rates, as such variables are often ignored during prison reform. Even during that drop in crime in the 1990s, the amount of individuals that were prosecuted for felonies increased, while violent crime and property crimes decreased.<sup>22</sup>

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<sup>18</sup> Pfaff, John F. *Locked In: The True Causes of Mass Incarceration--and How to Achieve Real Reform*. New York: Basic Books, 2017.

<sup>19</sup> Gottschalk, Marie. *Caught: the Prison State and the Lockdown of American Politics*. Princeton University Press, 2016.

<sup>20</sup> Ibid.

<sup>21</sup> Geiger, Abigail. “U.S. Private Prison Population has Declined in Recent Years.” Pew Research Center. April 11, 2017. Accessed October 7, 2018. <http://www.pewresearch.org/fact-tank/2017/04/11/u-s-private-prison-population-has-declined-in-recent-years/>

<sup>22</sup> “Uniform Crime Reports 1960 - 2014.” U.S. Department of Justice and Federal Bureau of Investigation: Uniform Crime Reporting Statistics. 2015. Accessed October 7, 2018. [/www.ucrdatatool.gov](http://www.ucrdatatool.gov).



In 1970, states employed a total of 17,000 prosecutors nationwide. This figure jumped to 20,000 in 1990.<sup>23</sup> From 1990 to 2007, however, the amount of prosecutors increased to 30,000.<sup>24</sup> If these figures are analyzed along the aforementioned increases in property crime, the following trends are revealed: between 1970 and 1990, violent crime in the United States grew by 100 percent, and property (nonviolent) crimes grew by 40 percent. Between 1970 and 1990, the number of state prosecutors grew by 17 percent. From 1990 and 2007, both violent and nonviolent property crimes dropped by 35 percent. From 1990 to 2007, the amount of state prosecutors grew by 50 percent.<sup>25,26,27</sup> According to the data, the amount of line prosecutors grew by 33 percent more when crime was down than during the crime spike until 1990. It is equally important to analyze the behavior of the newly appointed state prosecutors:

***State Prosecutor Behavior 1974-2007<sup>28,29</sup>***

	Indexed crimes/prosecutor	Indexed arrests/prosecutor	Total Arrests/prosecutor	Prison admissions/prosecutor
1974	588	141	617	9
1990	725	145	710	25
2007	377	73	473	23

<sup>23</sup> Dawson, John. "Prosecutors in State Courts: 1990." U.S. Department of Justice, Bureau of Justice Statistics. 1992. Accessed October 7, 2018. <https://www.bjs.gov/content/pub/pdf/psc90.pdf>

<sup>24</sup> Ibid.

<sup>25</sup> "Uniform Crime Reports 1960 - 2014." U.S. Department of Justice and Federal Bureau of Investigation: Uniform Crime Reporting Statistics. 2015. Accessed October 7, 2018. [/www.ucrdatatool.gov](http://www.ucrdatatool.gov).

<sup>26</sup> Pfaff, John F. *Locked In: The True Causes of Mass Incarceration--and How to Achieve Real Reform*. New York: Basic Books, 2017.

<sup>27</sup> "Statistical Tables - Prosecutors in State Courts." U.S. Department of Justice, Bureau of Justice Statistics. 2007. Accessed October 7, 2018.

<sup>28</sup> Dawson, John. "Prosecutors in State Courts: 1990." U.S. Department of Justice, Bureau of Justice Statistics. 1992. Accessed October 7, 2018. <https://www.bjs.gov/content/pub/pdf/psc90.pdf>

<sup>29</sup> Perry, Steven W, and Banks, Duren. "Prosecutors in State Courts, 2007 – Statistical Tables." U.S. Department of Justice, Bureau of Justice Statistics. December 2011. Accessed October 7, 2018. <https://www.bjs.gov/content/pub/pdf/psc07st.pdf>

Given the data in the above chart, the crime drop from 1990 to 2007 should have ideally caused a drop in prison admission, but in reality, admissions remained largely stagnant. This suggests that an increase in prosecutors likely caused the stagnation of prison admissions after a 35 percent crime drop. The variable of the prosecutor is also important, as they face minimal oversight from government agencies. The legislature has also often granted prosecutors the possibility of levying overlapping charges for alleged criminals under their own unchecked discretion, which can stack sentencing up for prisoners.<sup>30</sup> Further, out of 100 felony arrests, 65 end up in plea deals. Of those cases that reach prosecution, 95 percent end with defendants pleading guilty.<sup>31</sup>

The bulk of current reforms have focused largely on back-end sentencing reform, and ignored the core issue: prison admissions. The Sentencing Project has reported that most reforms in the 21<sup>st</sup> century have focused on drug offenses and nonviolent crimes.<sup>32</sup> One such example was sentencing reform that took place in Mississippi that failed to adequately capture the cause of increasing incarceration rates. In 2014, Mississippi raised the cutoff for the value of felony theft, expanded parole options, and increased access to drug courts.<sup>33</sup> This had two main issues: first, almost half of Mississippi's incarcerated population was admitted for violent crimes, which the legislation ignored, and second,

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<sup>30</sup> Sklansky, David. "The Problem with Prosecutors." *Annual Review of Criminology*. January 2018. Vol 1. 451-469. Accessed October 8 2018. <https://www.annualreviews.org/doi/full/10.1146/annurev-criminol-032317-092440>

<sup>31</sup> Cohen, Thomas H and Kyckelhahn. "Felony Defendants in Large Urban Counties, 2006." U.S. Department of Justice, Bureau of Justice Statistics. 2007. Accessed October 9, 2018. <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=2193>

<sup>32</sup> Porter, Nicole D. "The State of Sentencing 2015: Developments in Policy and Practice." The Sentencing Project. 2015. Accessed October 9, 2018. <https://sentencingproject.org/wp-content/uploads/2016/02/State-of-Sentencing-2015.pdf>

<sup>33</sup> "Mississippi 2014 Corrections and Criminal Justice Reform." Pew Charitable Trusts. May 21, 2014. Accessed October 10, 2018. <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2014/05/21/mississippi-2014-corrections-and-criminal-justice-reform>

these reforms were one-sided in that they did not address preventing additional prison admissions, but solely reduced existing ones. As of 2017, reformers also largely ignored the prosecution, and no major piece of state-level legislation has made an attempt at directly challenging its power.<sup>34</sup>

## History

### Federal and State Inmate Growth

The United States first began maintaining accurate records of prison inmates in 1925. This marks the first discernable period from which scholars have been able to gauge the growth of incarceration in the United States. From 1925 to 1975, incarcerated individuals made up a small fragment of the total population.<sup>35</sup> In 1925, there were a total of 92,000 individuals incarcerated in federal and state jails combined. By 1975, this figure increased to 241,000, but the increase was due to a simultaneous increase in population.<sup>36</sup> Midway through the 1970s, however, the trajectory of incarcerated individuals no longer matched the increase in population. By year-end 2000, the ratio of inmates per 100,000 United States residents was 476:100,000.<sup>37</sup> These figures continued to rise through the end of 2005, where the total number of combined state and federal prisoners grew to 1.5 million.<sup>38</sup>

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<sup>34</sup> Pfaff, John F. *Locked In: The True Causes of Mass Incarceration--and How to Achieve Real Reform*. New York: Basic Books, 2017.

<sup>35</sup> Useem, Bert and Piehl, Anne M. "Prison State: The Challenges of Mass Incarceration." Cambridge University Press. 2008.

<sup>36</sup> Maguire, Kathleen and Pastore, Ann. "Sourcebook of Criminal Justice Statistics." Washington DC Bureau of Justice Statistics. 2003 Accessed October 16, 2018. <https://www.ncjrs.gov/pdffiles1/Digitization/208756NCJRS.pdf>

<sup>37</sup> Beck, Allen. "Prisoners in 1999." Washington DC Bureau of Justice Statistics. August 9, 2000. Accessed October 16, 2018. <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=928>

<sup>38</sup> Harrison, Paige and Beck, Allen. "Prisoners in 2005." Washington DC Bureau of Justice Statistics. January 2007. Accessed October 16, 2018. <https://www.bjs.gov/content/pub/pdf/p05.pdf>

The upward trajectory of federal and state inmates in the late 1970s can also be measured by an increase in inmate holding facilities. In 1979, the United States had a combined 850 federal and state prisons. By year-end 2000, the figure essentially doubled to 1,670 adult federal and state prisons.<sup>39</sup> The underlying issue began developing in the late 1970s as the amount of prisons grew, and prisons became profitable. As the amount of prisons increased, the demand to staff and operate the prisons grew, which spiked public funding for these institutions. The below table from the Washington DC Bureau of Census, and DOJ statistics from 2001 outlines the increase in spending:

***State and Federal Public Funding for Prison Facilities<sup>40</sup>***

***\*Figures in thousands***

Year	State Expenditures	Federal Expenditures
1980	7,190,000	715,300
1981	8,180,000	704,500
1982	8,185,900	800,440
1983	8,978,000	883,050
1984	10,152,000	873,250
1985	11,390,000	1,024,000
1986	11,718,500	978,000
1987	12,461,000	1,365,000
1988	14,265,000	1,559,000
1989	15,681,000	2,201,650
1990	17,505,000	5,590,700
1991	19,226,850	2,258,630
1992	19,494,800	2,663,450
1993	19,723,011	2,612,370
1994	21,417,000	2,665,900
1995	23,627,100	3,015,000
1996	24,029,310	3,250,750
1997	25,059,538	3,510,890
1998	27,182,280	3,505,900
1999	27,182,280	3,505,900

<sup>39</sup> Stephan, James J. and Karberg, Jennifer C. "Census of State and Federal Correctional Facilities." Washington DC Bureau of Justice Statistics. August 24, 2003. Accessed October 16, 2018. <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=533>

<sup>40</sup> Useem, Bert and Piehl, Anne M. "Prison State: The Challenges of Mass Incarceration." Cambridge University Press. 2008.

2000	27,569,400	3,770,600
2001	29,491,268	4,303,500

From 1981 to 2001, there was a 219,000 person growth in prison employees, and a jump of state expenditures from \$7.2 million in 1980 to \$29.4 million in 2001. Federal expenditures jumped from \$715 million to 4.3 billion in 2001. These increases, however, were not congruent with the sort of population-specific increases but were due to an increased number of arrests during the same period from the early 1980s to the early-mid twentieth century. The data also suggests an issue with how individuals are processed and prosecuted in the criminal justice system. In 2004, for example, 13.9 million individuals were arrested for a variety of crimes from drug-related to violent and petty crimes.<sup>41</sup> 2.2 million of those 13.9 million were a variation of a violent crime that could range from forcible rape to assault or murder. Felony charges resulted in a 68 percent conviction rate.<sup>42</sup> If those 68 percent of felony convictions are broken down further, 32 percent were imprisoned, 25 percent faced no imprisonment, 8 percent were solely given probation, and 3 percent faced an alternative sentence.<sup>43</sup> The table below from the Bureau of Justice Statistics outlines an upward linear trend of this type of breakdown from criminal prosecution:

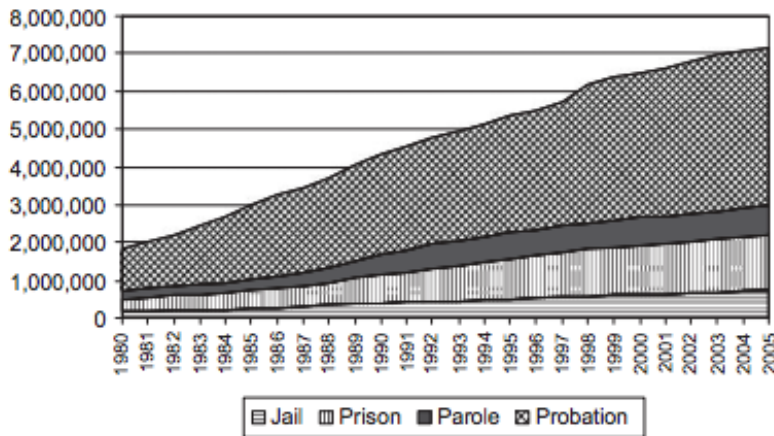
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<sup>41</sup> “Crime in the United States - 2004.” Federal Bureau of Investigation. October 17, 2005. Accessed October 16, 2018. [https://archives.fbi.gov/archives/news/stories/2005/october/crimestats\\_101705](https://archives.fbi.gov/archives/news/stories/2005/october/crimestats_101705)

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

### *Population in Correctional Facilities from 1980 – 2005<sup>44,45</sup>*



The above graphic helps conceptualize a general positive trend of sentencing in criminal prosecution. In 1980, a total 1.8 million convicts were serving some form of incarceration that involved correctional supervision. By 2005, over 7 million convicts were under correctional supervision, which, when compared to the total United States population, meant that 2.4 percent of United States residents were incarcerated in some form. 60 percent of the 7 million convicts in 2005 were on probation, however, roughly 2 million were serving sentences in state or federal institutions.

### **Explanatory Factors to Inmate Growth**

The upward trend of convicted individuals is also explained by a historical and gradual increase of prosecution and sentencing laws that took place from the 1980s into the 2000s. Numerous states began implementing “mandatory minimum” sentences, which essentially placed a quota on the amount of time a convicted individual should

<sup>44</sup> “Number of Persons Under Correctional Supervision: 1980 – 2016.” Bureau of Justice Statistics. Accessed October 16, 2018. <https://www.bjs.gov/index.cfm?ty=kfdetail&iid=487>

<sup>45</sup> Useem, Bert and Piehl, Anne M. “Prison State: The Challenges of Mass Incarceration.” Cambridge University Press. 2008.

serve in jail.<sup>46</sup> Other state laws required all violent offenders to serve a minimum 85 percent of their term before they were allowed any form of parole.<sup>47</sup> The 1994 California “Three Strikes” was a failed policy that contributed to the spike of prison sentences in the mid to late 1990s. The Three Strikes law required a repeat felony offender to be sentenced to state prison for twice the term of a crime.<sup>48</sup> Similarly, if an individual had two prior felony convictions, the law required a minimum prison term of at least 25 years to life for a new felony conviction.<sup>49</sup> It was under such laws that led to Leandro Andrade to receive two 25-to-life terms for stealing VHS tapes from K-Mart.<sup>50</sup> Similarly, Gary Ewing was given a 25-to-life sentence for theft totaling \$400.<sup>51</sup> Both of these cases reached the United States Supreme Court. Without the presence of a “Three Strikes” law, neither theft charge would rack up such large and expensive sentences.

Referencing back to the aforementioned table, most of the available data on prison sentencing comes from federal sources like the Bureau on Justice Statistics (“BJS”) and the FBI. The issue with this data is that it fails to explain how, in the past, the increases in incarceration have manifested. Fortunately, the National Center on State Courts (“NCSC”) has published data on how prosecution behavior has evolved from when crime, as a whole, steadily fell in the mid 2000s. Nonviolent, property, and drug offenses also declined. The amount of felony cases filed in state courts nationwide,

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<sup>46</sup> Tonry, Michael. “Explanations of American Punishment Policies: A National History.” *Punishment and Society*. June 17, 2009. Accessed October 17, 2018.

<https://journals.sagepub.com/doi/10.1177/1462474509334609>

<sup>47</sup> Pfaff, John F. *Locked In: The True Causes of Mass Incarceration--and How to Achieve Real Reform*. New York: Basic Books, 2017.

<sup>48</sup> “California’s Three Strikes Sentencing Law.” Judicial Council of California. 2018. Accessed October 18, 2018. <http://www.courts.ca.gov/20142.htm>

<sup>49</sup> Ibid.

<sup>50</sup> Jaffe, Ina. “Cases Show Disparity of California’s 3 Strikes Law.” *NPR: All Things Considered*. October 30, 2009. Accessed October 17, 2018. <https://www.npr.org/templates/story/story.php?storyId=114301025>

<sup>51</sup> Ibid.

however, increased.<sup>52</sup> With a drop in arrests, but an increase in felony cases matched with “minimum sentencing,” litigation sharply raised the probability for an arrest to become a felony charge. Similarly, once a felony case was entered into the criminal justice system, this increased the chance of a prison sentence among a “diminished pool of arrestees.”<sup>53</sup> Several failed policies, including mandatory minimum sentences and California’s “Three Strikes” sentencing law, have shown be ineffective in curbing crime. What such policies do excel in is unnecessarily increase prison sentences and concentrate public resources and taxpayer money into prison funding.<sup>54</sup>

## **Policy Proposal**

As discussed above, there are several institutional issues that are causing increases in incarceration rates in certain states, while decreasing rates in others. Such disparate and fragmented progress is not enough to effectively decrease the overall drop in incarceration rates that would place the United States close to the global average of incarcerated individuals. This proposal has two parts, the first is a legislative bill that will be introduced in Congress, and the second is a set of executive orders used to implement “checks” on the judicial branch. Legislative action, while potentially effective in curbing crime and incarceration rates, suffers from the notion that its lasting effects can be ephemeral. By combining legislation with executive orders, the goal of creating lasting change that is less prone to reversibility is more feasibly achieved. This proposal seeks to

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<sup>52</sup>Pfaff, John. “The Causes of Growth in Prison Admissions and Populations.” Fordham University School of Law. July 2011. Accessed October 17, 2018. [https://web.law.columbia.edu/sites/default/files/microsites/criminal-law-roundtable-2012/files/Pfaff\\_New\\_Admissions\\_to\\_Prison.pdf](https://web.law.columbia.edu/sites/default/files/microsites/criminal-law-roundtable-2012/files/Pfaff_New_Admissions_to_Prison.pdf)

<sup>53</sup> Ibid.

<sup>54</sup> Cardenas, Anthony. “New Policies Perpetuate Mass Incarceration.” The Hill. May 18, 2017. Accessed October 17, 2018. <https://thehill.com/blogs/pundits-blog/crime/333984-new-policies-perpetuate-mass-incarceration>



achieve several goals including dropping the combined federal and state incarceration rates by at least 20 percent through 2025, and similarly decreasing the aggressiveness of state and federal prosecutors. The proposal also seeks to cease the usage of federal grants to combat mass incarceration, and change attitudes regarding criminal prosecution.

The first piece of federal legislation that the bill seeks to address is the Edward Byrne Memorial Justice Assistance Grant Program (“Edward Byrne Grant”), and all related federal grants. As mentioned above, the Edward Byrne Grant, like the Violent Crime Bill from 1994, essentially rewarded states for passing laws that increased prison stays and for exercising aggressive criminal prosecution. The proposal seeks to reverse the existing effects of such grant programs, but also entirely outlaw their future implementation. The legislation would also be paired with a carrot, where states that demonstrate reductions in incarceration rates and prosecution for criminal offenses would be offered grants. The incentives would be applicable to both private and public prisons. Federal grants will be awarded after meeting a minimum 5 percent reduction in incarceration rates, and would increase depending on how much states have surpassed the threshold. The Bureau of Justice Statistics estimated that federal grants of up to \$1.25 million each over a 12-month period can be feasibly achieved. The grants could vary in size depending on state contracts, but could result in annual totals of \$10 million per state depending on jurisdiction sizes.<sup>55</sup>

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<sup>55</sup> “Justice Reinvestment Initiative: Reducing Violent Crime by Improving Justice System Performance.” U.S. Department of Justice. November 8, 2018. Accessed October 30, 2018. <https://www.bja.gov/funding/JRI18.pdf>

The second legislative facet of the bill seeks to reduce the amount of incarceration for petty crimes. The bill would reverse minimum sentencing laws, but more importantly, outlaw incarceration for minor drug trafficking offenses and immigration offenses. Instead, prosecutors are to utilize alternative sentencing such as probation, community service, electronic location monitoring, and treatment options for serious drug usage and possession offenses. To ensure longevity for these programs, the bill requires the administration to re-allocate the \$8.4 billion that is currently spent in federal criminal justice grants, and disperse these funds into incentivized grant programs for compliant states, but also for rehabilitative and alternative sentencing programs.

Through executive order, the administration can create programs that will be implemented by federal agencies such as the DOJ to hold state and federal prisons accountable and responsible for meeting their goals. These programs would be designed to work in tandem with the bill, and ensure that the prisons are compliant with the aforementioned terms of the bill. Additionally, the Attorney General would be ordered to change and moderate the rhetoric on prosecution. As mentioned in the **Statement of the Problem** section, in April 2017, Jeff Sessions created a rhetoric promoting aggressive prosecution after reversing the Smart on Crime initiative. Through the direction of the new Attorney General, the Smart on Crime initiative will be restored.

## **Policy Analysis**

The effectiveness of the bill is largely evaluated by its ability to redirect federal funds, incentivize states to reduce aggressive prosecution, and create a stable drop in incarceration rates. In prison reform, scholars have used two terms to describe the types

of changes that can result from new pieces of legislation. Front-end prison reform seeks to address the preventative measures that can be taken before individuals get sent to prison.<sup>56,57</sup> This type of reform addresses the sentencing, prosecution, and the arrests of individuals, essentially the portion of the criminal justice process that directly precedes jail time. Conversely, back-end prison reform retroactively reverses and addresses existing sentences for individuals that are already incarcerated.<sup>58</sup> One of the bill's strengths is that it addresses both front-end and back-end reform measures. The strength in the second portion of the bill – which seeks to reduce sentencing for petty crimes and introduces alternative sentencing – is focused largely on front-end reform. To measure its effectiveness upon implementation, a pre-trial risk assessment is necessary. Pre-trial risk assessments are front-end tools utilized throughout the initial stages of the criminal justice system to evaluate an individual's likelihood to become a repeat offender. They are forecasting tools that help predict pre-trial failure, and help analyze variables such as prior failures to appear in court, current employment status, history of drug abuse, additional pending charges, prior convictions, and the severity of the current charges for a defendant.<sup>59</sup> The goal in a pre-trial risk analysis is identifying defendants that can be released prior to the adjudication of their case. Without a proper pre-trial risk assessment, the bill could potentially release an excessive amount of individuals that would

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<sup>56</sup> Revicki, Jesse et al. "Targeting Reforms at the Front-End of the Criminal Justice System." The Crime and Justice Institute. October 2015. Accessed November 13, 2018.  
[http://www.crj.org/assets/2017/07/20\\_Targeting\\_Reforms\\_at\\_the\\_Front\\_End.pdf](http://www.crj.org/assets/2017/07/20_Targeting_Reforms_at_the_Front_End.pdf)

<sup>57</sup> Lopez, German. "Congress' Prison Reform Bill, Explained." Vox: Policy and Politics. May 22, 2018. Accessed November 13, 2018. <https://www.vox.com/policy-and-politics/2018/5/22/17377324/first-step-act-prison-reform-congress>

<sup>58</sup> "Comprehensive Criminal Justice Reform Must Include Both Front End and Back End Reform." Human Rights Watch. October 4, 2017. Accessed November 13, 2018.  
<https://www.hrw.org/news/2017/10/05/comprehensive-criminal-justice-reform-must-include-both-front-end-and-back-end-0#>

<sup>59</sup> Revicki, Jesse et al. "Targeting Reforms at the Front-End of the Criminal Justice System." The Crime and Justice Institute. October 2015. Accessed November 13, 2018.  
[http://www.crj.org/assets/2017/07/20\\_Targeting\\_Reforms\\_at\\_the\\_Front\\_End.pdf](http://www.crj.org/assets/2017/07/20_Targeting_Reforms_at_the_Front_End.pdf)

consequently become repeat offenders, defeating the purpose of the bill. The bill should, in theory, release a sustainable amount of individuals and keep them out of prison.

### ***Decreases in Incarceration Rates***

A December 2016 study from the Urban Institute analyzed some of the challenges and trends that occurred when several states implemented front-end reform after conducting pre-trial risk assessments.<sup>60</sup> The initiative was titled the Justice Reinvestment Initiative (“JRI”), and individually covered correctional trends within states and projected how front-end reform could operate if implemented permanently. Some of the reforms implemented through JRI are similar to the ones proposed the bill, such as amending sentencing laws for low-level offenses, retroactively modifying release practices for individuals already incarcerated, and creating programs to ensure sustainability of reforms. The JRI initiative is especially relevant for analysis as a case study, as its goals are similar to our proposed bill. JRI seeks to reduce jail populations, reduce spending, and maintain lasting reform. Below are the results from the study:

### ***Changes in Prison Populations after and During JRI<sup>61</sup>***

	<b>Legislation Year</b>	<b>Baseline Population</b>	<b>2015 Projection WITHOUT reform</b>	<b>Actual 2015 population</b>	<b>Difference from baseline</b>	<b>Difference from projection</b>
Arkansas	2011	16,176	19,222	17,684	9.3%	-8.0%
Delaware	2012	6,593	6,675	6,704	1.7%	0.4%
Georgia	2012	55,057	58,664	53,102	-3.6%	-9.5%
Hawaii	2012	6,071	6,193	6,024	-0.8%	-2.7%
Idaho	2014	8,221	8,506	8,160	-0.7%	-4.1%
Kansas	2013	9,374	10,154	9,822	4.8%	-3.3%
Kentucky	2011	20,280	21,448	21,479	5.9%	0.1%

<sup>60</sup> Harvell, Samantha et al. “Reforming Sentencing and Corrections Policy.” Urban Institute. December 19, 2016. Accessed November 13, 2018. <https://www.urban.org/research/publication/reforming-sentencing-and-corrections-policy>

<sup>61</sup> Ibid.

Louisiana	2011	39,391	39,335	36,377	-7.7%	-7.5%
Mississippi	2014	22,492	23,230	18,789	-16.5%	-19.1%
Missouri	2012	30,833	30,777	32,330	4.9%	5.0%
New Hampshire	2012	2,778	3,029	2,837	2.1%	-6.3%
North Carolina	2011	40,102	42,562	37,794	-5.8%	-11.2%
Ohio	2011	50,857	53,858	50,651	-0.4%	-6.0%
Oklahoma <sup>62</sup>	2012	25,458	N/A	28,871	13.4%	N/A
Oregon	2013	14,285	14,981	14,655	2.6%	-2.2%
Pennsylvania	2012	51,290	51,693	50,366	-1.8%	-2.6%
South Carolina <sup>63</sup>	2010	24,734	27,903	22,315	-9.8%	-20.0%
South Dakota	2013	3,546	3,942	3,942	3,588	1.2%
West Virginia	2013	7,070	8,072	6,965	-1.5%	-13.7%

The legislation year indicates the year from 2010 to 2015 where reforms were first implemented, which varied between states. For all states, the baseline year was the year prior to the legislation year where no reforms had yet been implemented. For example, in Ohio, front-end reforms were enacted in 2011, thus the baseline year is 2010 and the data covers changes from 2011 to 2015. Of the nineteen states that participated in the reforms, almost half actually saw growth in their prison populations from their baseline year to 2015. This ranged from small states such as South Dakota and Delaware that experienced increases of less than 2 percent, to states like Arkansas, which experienced almost a 10

<sup>62</sup> The JRI study could not project prison populations for Oklahoma.

<sup>63</sup> Projections and population figures for South Carolina only went up to 2014.

percent increase in prison population from 2011 to 2015. In Arkansas, front-end reforms actually decreased prison population from 2011 to 2012.<sup>64</sup> However, a May 2013 murder that occurred while the suspect was on parole caused the Arkansas Board of Corrections to tighten down on parole release criteria, and spiked inmate populations.<sup>65</sup> Oklahoma experienced the largest growth, with 13 percent from 2012 to 2015. Oklahoma is almost an outlier, as it has some of the largest prison population in the nation, and several sources have cited Oklahoma's sentencing "especially harsh" and characterized by long prison terms, low parole rates, and prison terms for non-violent, first time offenders and petty crimes.<sup>66,67</sup> While not all states experienced uniform, it is important to note that some of the participating states with larger prison populations, South Carolina, North Carolina, Mississippi, and Pennsylvania, all experienced net decreases in prison populations. Mississippi experienced an almost 17 percent drop in three years, South Carolina had a 10 percent drop in four years, and North Carolina experienced a 6 percent drop. According to the study, the reasons for these changes varied between states. Mississippi's success was largely due to a 17 percent increase in probation as a means of alternative sentencing, North Carolina increased parole populations by 172%, and South Carolina used a mix of both.<sup>68</sup>

### ***Saved Costs and Reinvestment***

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<sup>64</sup> Ware, Wendy and Ocker, Roger. "Ten-Year Adult Secure Population Projection 2016—2026." Pine Bluff: Arkansas Department of Corrections. June 2016. Accessed November 13, 2018. [https://adc.arkansas.gov/images/uploads/2016\\_Arkansas\\_Prison\\_Projection\\_Ten-Year\\_Adult\\_Secure\\_Population\\_Projection\\_Report.pdf](https://adc.arkansas.gov/images/uploads/2016_Arkansas_Prison_Projection_Ten-Year_Adult_Secure_Population_Projection_Report.pdf)

<sup>65</sup> Ibid.

<sup>66</sup> Gentzler, Ryan. "What's Driving Oklahoma's Prison Population Growth?" Oklahoma Policy Institute. February 9, 2016. Accessed November 20, 2018. <https://okpolicy.org/whats-driving-prison-population-growth/>

<sup>67</sup> Wagner, Peter and Sawyer, Wendy. "States of Incarceration: The Global Context 2018." Prison Policy Initiative. June 2018. Accessed November 20, 2018. <https://www.prisonpolicy.org/global/2018.html>

<sup>68</sup> Harvell, Samantha et al. "Reforming Sentencing and Corrections Policy." Urban Institute. December 19, 2016. Accessed November 13, 2018. <https://www.urban.org/research/publication/reforming-sentencing-and-corrections-policy>

Due to limited research on modern prison reform, it is difficult to estimate the exact costs of implementing the changes mentioned in the bill. In the Urban Institute’s study, projected and averted costs help extrapolate the amount of savings that individual states could experience if they continue on the same trajectory of prison reform. Projected savings relies on the premise that with prison reform, fewer prison beds and fewer correctional officers, there will be less facility expenditures. The below table from the 2016 JRI study reports both actual savings and projected savings after full reform implementation. The projection window varied by state, and the total projected savings is the amount the states would save within the projection window if they continued with JRI reforms. For some states, data is incomplete as a result of late JRI implementation, a lack of data from state agencies, and states that failed to disclose savings.

***Projected and Reported Saved Costs in JRI States: 2010-2016<sup>69,70</sup>***

	Year	Projection Window	Total Projected Savings (millions)	2015 Prison Population Projected after completed JRI adherence	2015 Prison Population Actual	Savings reported through September 2016
Arkansas	2011	2009-20	875	16,279	17,684	N/A
Delaware	2012	2012-17	27	N/A	6,704	N/A
Georgia	2012	2012-16	264	54,723	53,102	264,000
Hawaii	2012	2013-18	130	5,222	6,024	2,500
Idaho	2014	2015-19	157	8,470	8,160	17,725
Kansas	2013	2014-18	81	9,175	9,822	2,463
Kentucky	2011	2010-20	422	17,794	21,479	55,700
Louisiana	2011	2013-24	104	N/A	36,377	17,250
Mississippi	2014	2014-24	266	22,222	18,789	N/A

<sup>69</sup> “Justice Reinvestment Initiative.” Bureau of Justice Assistance: U.S. Department of Justice. 2018. Accessed November 20, 2018. [https://www.bja.gov/Programs/jri\\_background.html](https://www.bja.gov/Programs/jri_background.html)

<sup>70</sup> Harvell, Samantha et al. “Reforming Sentencing and Corrections Policy.” Urban Institute. December 19, 2016. Accessed November 13, 2018. <https://www.urban.org/research/publication/reforming-sentencing-and-corrections-policy>

Missouri	2012	2012-17	7.7-16.6	N/A	32,330	N/A
New Hampshire	2010	2010-15	160	2,342	2,837	N/A
North Carolina	2011	2011-17	560	38,671	37,794	164,678
Ohio	2011	2011-15	578	48,177	50,651	N/A
Oklahoma	2012	2012-21	N/A	N/A	28,871	N/A
Oregon	2013	2012-23	326	14,384	14,655	18,408
Pennsylvania	2012	2011-16	253	49,584	50,366	12,858
South Carolina	2010	2009-14	241	25,677	22,315	491,000
South Dakota	2013	2012-22	207	3,591	3,588	41,328
West Virginia	2013	2013-18	287	7,314	6,965	24,895

Twelve states have reported savings and/or averted costs. It is important to distinguish between the two, savings are funds that can be re-allocated elsewhere, while averted costs are funds that the state does not need to spend, but *cannot* be reallocated elsewhere. A total \$1.1 billion was calculated in averted costs and savings between those twelve states. South Carolina, Georgia, and Kentucky recorded the highest savings with \$491 million, \$264 million, and \$55.7 million respectively. When tied back to the previous chart, all three states were successful in keeping their prison populations below their target threshold, and thus, were able to maximize averted costs. North Carolina, for example, was still in its projection window during the time of the study, but still reported \$164.6 million in savings and averted costs. North Carolina was also successful in maintaining its prison populations 4,700 individuals below its threshold. This is partly due to North Carolina's closing of eleven state penitentiaries, and attributing \$123 million in savings from facilities and personnel costs.<sup>71</sup>

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<sup>71</sup> "History of North Carolina's Corrections System." North Carolina Department of Public Safety. 2018. Accessed November 20, 2018. <https://www.ncdps.gov/adult-corrections/history-of-corrections>



Some states have reinvested the savings from JRI implementation through legislation, by authorizing a set percentage of saved funds to be reinvested in additional reform. Pennsylvania, for example, estimated in 2012 that JRI would generate roughly \$56,000 in averted costs, and allocated \$42,000 (75%) for reinvestment between 2012 and 2013.<sup>72</sup> Between 2014 and 2015, Pennsylvania's averted costs rose to almost \$12 million, and 25 percent of that was reinvested in additional reform such as law enforcement grants, alternative sentencing, and improvements to probation programs.<sup>73</sup> In total, states that participated in JRI reinvested \$165 million as of 2014.<sup>74</sup> Other noteworthy investments include South Dakota's \$8 million investment into parole training, substance abuse and mental health programs, and DUI courts.<sup>75</sup> Oregon also made significant reinvestments with \$58 million in public safety programs, victims' services, training, alternative sentencing, and additional programs to curb recidivism.<sup>76</sup> JRI implementation in several U.S. states helps shed insight on the types of outcomes one can expect from the bill. As a whole, numerous highly populated states made large strides in prison reform, and almost perfectly executed the re-allocation of funds into continued reform. Pennsylvania's \$12 million in savings led to an additional \$9 million that the state can choose to spend however it pleases. According to the data, roughly half of states actually succeeded in marginally reducing costs and decreasing the amount of prisoners.

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<sup>72</sup> Harvell, Samantha et al. "Reforming Sentencing and Corrections Policy." Urban Institute. December 19, 2016. Accessed November 13, 2018. <https://www.urban.org/research/publication/reforming-sentencing-and-corrections-policy>

<sup>73</sup> "JRI Measures: PA Justice System Joint Performance Measures." Pennsylvania Commission on Crime and Delinquency. 2018. Accessed November 20, 2018. <https://jridashboardpa.net/Dashboard/JRIMeasures/tabid/2042/Default.aspx>

<sup>74</sup> LaVigne, Nancy et al. "Justice Reinvestment Initiative State Assessment Report." January 2014. Urban Institute. Accessed November 22, 2018. <https://www.urban.org/sites/default/files/publication/22211/412994-Justice-Reinvestment-Initiative-State-Assessment-Report.PDF>

<sup>75</sup> "South Dakota's 2013 Criminal Justice Initiative." Pew Charitable Trusts. 2013. Accessed November 22, 2018. <http://psia.sd.gov/PDFs/SouthDakotaBrief.pdf>

<sup>76</sup> Ibid.

It is also worth noting that the states with the largest prison populations in the study successfully decreased prison populations.

### ***Drawbacks***

Despite the successes observed through the JRI study, both the proposed bill and the study have potential liabilities. First, states have little incentive to calculate and report accurate savings amounts. As a result of underfunding, reporting accurate savings could lead to reductions in budgets. States with overcrowded prisons would lead to inaccurate reported savings, thus drops in prisoners would not lead to prison closures (maximum savings), but instead marginal reductions in expenditures. Due to a lack of modern research on prison reform, these 19 states would essentially extrapolate findings for the proposed bill, nationwide. This entails a potential risk with federal implementation where not all states would react the same way as Pennsylvania, North Carolina, South Carolina, South Dakota, or Oregon. As was observed in the second chart, data can also be sparse, thus a complete analysis and projection is unavailable for all 19 states. This places further emphasis on a risk of making an extrapolation on incomplete data.

Front-end prison reform also faces numerous challenges for its implementation from an institutional standpoint. Firstly, it requires extensive cooperation among agencies, which is oftentimes difficult to achieve. Police officers, the sheriff's department, pretrial services and agencies, the courts, judges, district attorneys, and the public defender must all work in unison to implement pre-trial reform. Part of the success of the bill relies on the ability for states to reinvest saving to ensure a lack of recidivism. Without reinvesting after initial reforms, states are prone to high rates of recidivism, and thus, the bill almost relies on success after the first year.

Additionally, stakeholders that did not contribute to the development of the policy framework are a critical part of its implementation, and can prove to be liabilities. One such example is Arkansas, where the Arkansas Board of Corrections played a key role in instituting reform, but was not part of JRI's legislative process.<sup>77</sup> The Arkansas Board of Corrections believed that JRI's reforms would reduce the effectiveness of the board's operations, and prevent reform from actually occurring. Members of New Hampshire's parole board were also opposed to the reforms, as the bill essentially surpassed their oversight by mandating parole for low-level offenses without their discretionary power.<sup>78</sup> Lastly, the main challenge is deciding how one can accurately measure the success of the proposed programs. If states are receiving grants based on lower incarceration rates and reduced recidivism, when should the grants be issued? Additional studies are necessary to adequately gather data on how recidivism is maintained. JRI data, although spotty, only covers results from 2010 in most states until 2016. Arkansas also experienced a high-profile murder in 2013, which reversed the progress JRI had made. In such a case, how would Arkansas be issued, or not be issued, grants? These issues could potentially be alleviated with clear contracts for states, however the drafting of individual contracts for states is time consuming, expensive, and once more, reliant on additional (and expensive) state-specific research.

## **Political Analysis**

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<sup>77</sup> LaVigne, Nancy et al. "Justice Reinvestment Initiative State Assessment Report." January 2014. Urban Institute. Accessed November 22, 2018.  
<https://www.urban.org/sites/default/files/publication/22211/412994-Justice-Reinvestment-Initiative-State-Assessment-Report.PDF>

<sup>78</sup> Ibid.

Before analyzing where key legislative stakeholders stand on the decline of mass incarceration, it is necessary to outline where voters stand on the issue. Several surveys have indicated that Americans are shifting their views on prison reform, and have advocated for decreased public spending on prisons. Greenberg Quinlan Rosner Research (“Greenberg Quinlan”) published a study in April 2018 that evaluated the landscape of where the American public stands on crime and mass incarceration.<sup>79</sup> The study evaluated attitudes towards mass incarceration in both rural and urban communities as a means of discerning potential cleavages between jurisdictions. A 40 percent collective plurality of Americans reported that “incarceration rates in their communities are too high.” Similarly, 66 percent of Americans reported “concern” if they learned that incarceration rates in their community were higher than in a similar community. Rural communities reported a 60 percent majority of Americans with similar concerns.<sup>80</sup> More importantly, the results of the Greenberg Quinlan study demonstrate an important cleavage in the effectiveness of our current criminal justice system. Respondents from both urban and rural communities were asked to rank the effectiveness of various public-spending priorities and concepts for decreasing crime, the results were as follows:

***Greenberg Quinlan Survey Priorities***<sup>81</sup>

Priorities	Total effectiveness rating	Rural effectiveness rating
More jobs and training	92	91
Schools and youth programs	91	88
Improving infrastructure	88	87
Mental health treatment	87	86
Drug and alcohol treatment	85	83

<sup>79</sup> “The Evolving Landscape of Crime and Incarceration.” Greenberg Quinlan Rosner Research. April 19, 2018. Accessed November 27, 2018. <https://storage.googleapis.com/vera-web-assets/inline-downloads/iob-poll-results-summary.pdf>

<sup>80</sup> Ibid.

<sup>81</sup> Ibid.

Park maintenance	83	74
Violence reduction programs	81	78
Reducing racism and bias	77	72
Arts and culture	76	63
Construction of prisons and jails	35	46

The priorities described by respondents closely align with some of the goals described in the policy proposal. Respondents advocated for more alternative forms of rehabilitation and punishment. The data shows a strong shift towards addressing some of the drawbacks of the proposal as well. For example, increasing jobs and training along with mental health, drug, and alcohol treatment are effective in reducing recidivism rates. According to the Vera Institute, the survey also raised questions regarding attitudes regarding the effectiveness of the criminal justice system.

Broadly, Americans believe that the current system is not producing safer communities. 67 percent of respondents reported, “building more jails and prisons to keep more people in jail does not reduce crime.”<sup>82</sup> 49 percent of respondents also reported that “too many people are in jail for the wrong reasons.”<sup>83</sup> Similarly, the American Civil Liberties Union Campaign (“ACLU”) released a public opinion polling regarding criminal justice conducted by the Benenson Strategy Group (“Benenson”) of 1,003 interviews with Americans of varying political affiliations. The 2017 survey involved questions regarding views on the current prison system, mandatory minimum sentencing, the effectiveness of incarceration, and how the United States should respond to violence reduction, drug

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<sup>82</sup> “New Poll Finds That Urban and Rural America are Rethinking Mass Incarceration.” Vera Institute of Justice. April 19, 2018. Accessed November 27, 2018. <https://www.vera.org/newsroom/press-releases/new-poll-finds-that-urban-and-rural-america-are-rethinking-mass-incarceration>

<sup>83</sup> Ibid.

addiction, and the kinds of policy positions voters should expect from their political representatives. The results from the Benenson study are as follows:<sup>84</sup>

- 91 percent of respondents indicated the criminal justice system “needs fixing”
- 71 percent of respondents indicated that “it is important to reduce the prison population in America.” These respondents were made up of 87 percent Democrats, 67 percent independents, and 57 percent of Republicans – of those, 52 percent Trump voters.
- 68 percent of respondents would be more keen to vote for a candidate if the candidate supported a reduction in prison population, and re-investing in rehabilitative programs
- 72 percent were more likely to vote for a candidate that supports eliminating or amending minimum sentencing laws
- 71 percent of respondents indicated that long prison sentences are counter-productive to rehabilitation, and actually spur recidivism. Of those, 68 percent were Republicans

Both studies reflect on changes from the former “tough on crime” rhetoric where attitudes are now favoring actually repairing the criminal justice system with new programs and initiatives to re-incorporate prisoners into society. The intensity of concern in the Greenberg Quinlan study exemplifies a potential to extrapolate such initiatives across a wide variety of communities. Secondly, the ACLU study indicated that an absence of political dichotomy and a rejection of Trump and Sessions’ previous tough on crime rhetoric could transcend all major political parties. The poll demonstrates a “near consensus support” for criminal justice reform.<sup>85</sup> More importantly, the poll showed bi-

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<sup>84</sup> “Smart Justice Campaign Polling on Americans’ Attitudes on Criminal Justice.” American Civil Liberties Union, Conducted with the Benenson Strategy Group. October 11, 2017.

[https://www.aclu.org/sites/default/files/field\\_document/aclu\\_campaign\\_for\\_smart\\_justice\\_poll\\_results.pdf](https://www.aclu.org/sites/default/files/field_document/aclu_campaign_for_smart_justice_poll_results.pdf)

<sup>85</sup> “Smart Justice Campaign Polling on Americans’ Attitudes on Criminal Justice.” American Civil Liberties Union, Conducted with the Benenson Strategy Group. October 11, 2017.

[https://www.aclu.org/sites/default/files/field\\_document/aclu\\_campaign\\_for\\_smart\\_justice\\_poll\\_results.pdf](https://www.aclu.org/sites/default/files/field_document/aclu_campaign_for_smart_justice_poll_results.pdf)

partisan support for the types of policies the proposal seeks to implement, such as reducing inmate populations and then re-investing savings from cutting prison costs into alternative rehabilitative and sentencing programs.

### **Stakeholders**

Several grassroots action groups and nonprofit organizations have expressed a willingness to support the national discussion of prolific criminal justice reform, such as Black Lives Matter, Cut50, the Charles Koch Foundation, and the Behavioral Health + Economics Network (“BHECON”). BHECON has hosted several forums to address the overwhelming amount of individuals that are incarcerated with mental health issues. In Massachusetts, BHECON has led initiatives and programs that have been implemented statewide to decrease the amount of individuals that are found “stuck” in the criminal justice system as a result of a mental illness. BHECON has assisted with implementing programs in Massachusetts, and has enlisted 182 police departments to train officers in Mental Health First Aid, and adequate crisis prevention training.<sup>86</sup> The John D. and Catherine T. MacArthur Foundation sponsored the Safety and Justice Challenge (“SJC”), a \$75 million initiative to support 39 jurisdictions in 34 counties, four cities, and two complete state systems.<sup>87</sup> The SJC program implements strategies across numerous jurisdictions to reduce the amount of arrested people that face jail time, and increase the usage of pre-trial risk assessment instruments in pre-trial decision making to implement

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<sup>86</sup> Zuluaga, Katiri. “Diverse Stakeholders Gather to Discuss Mental Health and Criminal Justice Reform.” National Council of Mental Health. November 30, 2017. Accessed November 28, 2018. <https://www.thenationalcouncil.org/capitol-connector/2017/11/diverse-stakeholders-gather-discuss-mental-health-criminal-justice-reform/>

<sup>87</sup> “Where Pretrial Improvements are Happening.” Pretrial Justice Institute. July 2017. Accessed November 28, 2018. <https://higherlogicdownload.s3.amazonaws.com/NCJA/c3320104-776e-4e0e-b687-4ffa1fd54e8c/UploadedImages/National%20Forum/2017%20Forum/fanno-burdeen-where-pretrial-improvements-2017.pdf>

alternative sentencing.<sup>88</sup> The Laura and John Arnold Foundation (“LJF”) implemented a similar initiative in various states including: Arizona, Kentucky, New Jersey, California and Ohio. LJF’s initiative sought to implement pre-trial risk assessments, and meet the conditions for both federal and state courts to manage jail population by managing the amount of releases that reach court.<sup>89</sup> LJF was successful in doubling the amount of releases in Ohio that did not require bail, cut pre-trial crime rates in half from 20 percent to 10 percent, and reduced the amount of pre-trial defendants that returned to court for their court date.<sup>90</sup>

### **Stakeholder Challenges**

In the aforementioned JRI initiative discussed in the **Policy Analysis** section, several states faced backlash in implementing reforms. In the state of Washington, political support for reform was opposed, as certain counties believed that reducing sentencing for low-level nonviolent property crimes would actually lead to a spike in jail populations and costs.<sup>91</sup> Despite JRI data indicating otherwise, the Washington State Institute for Public Policy published a largely positive assessment of JRI, but criticized the initiative by indicating that additional reforms would be necessary to ensure complete success.<sup>92</sup> Despite these challenges, the Washington Association of Prosecuting Attorneys supported JRI legislation, and passed the JRI bill in the Washington Senate in March

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<sup>88</sup> Ibid.

<sup>89</sup> “New data: Pretrial risk assessment tool works to reduce crime, increase court appearances.” Laura and John Arnold Foundation. August 8, 2016. <http://www.arnoldfoundation.org/new-data-pretrial-risk-assessment-tool-works-reduce-crime-increase-court-appearances/>

<sup>90</sup> Ibid.

<sup>91</sup> Harvell, Samantha et al. “Reforming Sentencing and Corrections Policy.” Urban Institute. December 19, 2016. Accessed November 13, 2018. <https://www.urban.org/research/publication/reforming-sentencing-and-corrections-policy>

<sup>92</sup> “Justice Reinvestment in Washington State.” Justice Center: The Council of State Governments. June 24, 2014. [https://www.governor.wa.gov/sites/default/files/documents/Justice\\_Reinvestment\\_20140624.pdf](https://www.governor.wa.gov/sites/default/files/documents/Justice_Reinvestment_20140624.pdf)



2015 with bi-partisan support.<sup>93</sup> In April 2015, however, the Washington Association of Sheriff and Police Chiefs opposed the bill, which led to a decline in its support. The state of Washington government faced looming possibilities of a government shutdown due to budgeting concerns regarding the bill, and it was ultimately dropped.<sup>94</sup> In the case of the state of Washington, key stakeholder opposition from a single group was enough to entirely reverse complete bi-partisan support for JRI-style prison reform.

Indiana faced similar setbacks where district attorneys opposed initiatives to change the state's drug possession laws, ultimately diminishing bi-partisan support for JRI legislation.<sup>95</sup> Additionally, the state's Criminal Code Evaluation Commission, the entity responsible for evaluating the state's criminal justice system, had not fully reviewed the state's code, only further complicating Indiana's debate over JRI implementation.<sup>96</sup> Lastly, Rhode Island also faced stakeholder opposition while implementing JRI reforms in 2016. The proposed bill had passed unanimously in the Senate, and had support from the governor, the chief justice, and the senate president.<sup>97</sup> Internal political tension from key legislative stakeholders in the house, however, caused the six JRI bills to ultimately fade in the house without a vote.<sup>98</sup> Despite these challenges, the types of legislative changes outlined in the proposal do warrant bipartisan support, as JRI legislation, in

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<sup>93</sup> Harvell, Samantha et al. "Reforming Sentencing and Corrections Policy." Urban Institute. December 19, 2016. Accessed November 13, 2018. <https://www.urban.org/research/publication/reforming-sentencing-and-corrections-policy>

<sup>94</sup> Ibid.

<sup>95</sup> Brady, Linda. "Indiana's Justice Reinvestment Journey: A Revamped Criminal Code." Monroe County, Indiana Circuit Court. March 2016. Accessed November 28, 2018. <http://gopopai.org/admincontentmanagement/wp-content/uploads/2016/03/Indianas-Justice-Reinvestment-Journey.pdf>

<sup>96</sup> Ibid.

<sup>97</sup> Harvell, Samantha et al. "Reforming Sentencing and Corrections Policy." Urban Institute. December 19, 2016. Accessed November 13, 2018. <https://www.urban.org/research/publication/reforming-sentencing-and-corrections-policy>

<sup>98</sup> Ibid.

varying degrees, passed in all 19 states that participated in the initiative. Further, the following section will outline how to potentially mitigate opposition from key stakeholders and create comprehensive reform.

## **Actionable Recommendation**

The team ultimately advises to move forward with the policy proposal. While the legislation has several drawbacks for complete federal implementation, we have learned numerous lessons from JRI's implementation in the 19 participating states to mitigate the risk that the issues would arise on a federal scale. To recap, below are the most prevalent potential issues with the proposal:

- Savings amounts reported by states that implemented reforms are questionable
- Data is extrapolated from roughly half of all U.S. states (19)
- Federal reform requires even more cooperation among key stakeholders
- How can reform be measured and standardized as a measure of success?
- Several states have faced backlash from key stakeholders regarding reform

Regarding the first point, although there is a potential that certain states may be wary of reporting the amount saved from implementing prison reform, states such as Georgia, North Carolina, South Carolina, Kentucky, Pennsylvania and South Dakota have reported massive savings from implemented prison sentencing reform, as discussed in the **Policy Analysis** section. These states all vary widely demographically, and have demonstrated that achieving savings and reform is entirely possible, whether or not savings were understated. Secondly, while it would have been ideal to capture a larger sample size of states that participated in prison reform, the 19 states in the case study provide a solid backdrop of what prison reform could look like if implemented widely. Key states such

as New York and California are missing, however Philadelphia's case can be extrapolated to the large metropolitan capitals of the United States regarding what reform *could* look like on a wider scale. The key drawback to the proposal that needs to be addressed is how to mitigate the backlash from key stakeholders, both legislative and from state correctional agencies. Recall the cases of the state of Washington, Indiana, and Rhode Island where prison reform partially passed in the legislature, but upon opposition from key stakeholders such as a sheriffs' association, the proposals were dropped.

To prevent the potential backlash from correctional stakeholders, associations, or other groups not primarily involved in the policymaking process, it is necessary to include them in the planning as early as possible. One example of instituting this, for example, would be the collaboration among the police department, the sheriff's department, the pre-trial services unit or agency that is created with reforms, and the courts, which include judges, district attorneys, and public defenders. An effective pre-trial justice system requires that all the aforementioned parties have pooled together their resources, and are committed, in unison, to minimizing the unnecessary use of pre-trial detention.<sup>99</sup> In practice, this would require a system in place (that individual states would design based on capacity/needs) that releases defendants based on previously established pre-trial risk data. For example, an arresting officer could issue a citation for a crime as opposed to taking the individual to custody depending on the crime. If the defendant is taken into custody, the Sheriff's department could release the defendant upon booking while the defendant awaits trial based on previously established risk-based criteria (see **Policy Analysis** section for additional information on pre-trial risk assessments).

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<sup>99</sup> Revicki, Jesse et al. "Targeting Reforms at the Front-End of the Criminal Justice System." The Crime and Justice Institute. October 2015. Accessed November 13, 2018.  
[http://www.crj.org/assets/2017/07/20\\_Targeting\\_Reforms\\_at\\_the\\_Front\\_End.pdf](http://www.crj.org/assets/2017/07/20_Targeting_Reforms_at_the_Front_End.pdf)

Additionally, a judicial officer or pre-trial services officer would also conduct an assessment and release a defendant prior to their court date, creating a more efficient use of limited state resources. Lastly, it is essential to give key stakeholding groups representation in the policy development stage as early as possible. Some states were able to overcome stakeholder opposition by later including key stakeholders in the policy development process. Oregon, for example, was able to engage local city and county practitioners in reform efforts after previously facing opposition. Oregon implemented regional councils to disseminate information to individual counties and jurisdictions regarding the local practice of JRI reforms and its effect on the state prison population.<sup>100</sup> Utah mitigated stakeholder opposition by helping fund individual agencies such as local probation offices with funds it saved from cutting prison costs.<sup>101</sup> Rhode Island, which had previously faced backlash in the House, ultimately passed JRI-style legislation in 2017 after retroactively including key stakeholders in the policymaking process.<sup>102</sup> Although individual agencies can prove difficult to work with, there are numerous solutions to assuage these potential legislative barriers and create more complete and comprehensive reform.

Finally, and perhaps most importantly, the numerous surveys conducted by the ACLU, Benenson, and Greenberg Quinlan suggest that the American public is wholly ready to not only support this type of criminal justice reform, but also ready to support candidates in favor of such reform. With the public's support on this issue, bi-partisan

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<sup>100</sup> Davies, Elizabeth et al. "The Justice Reinvestment Initiative: Thinking Local for State Justice Reinvestment." Urban Institute. March 23, 2015. Accessed December 7, 2018. <https://www.urban.org/research/publication/justice-reinvestment-initiative>

<sup>101</sup> "Utah's 2015 Criminal Justice Reforms." Pew Charitable Trusts. June 18, 2015. Accessed December 7, 2018. <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2015/06/utahs-2015-criminal-justice-reforms>

<sup>102</sup> "Press Release: Governor Raimondo Signs Justice Reinvestment Legislation." Rhode Island Office of the Governor. October 5, 2017. <https://www.ri.gov/press/view/31595>

reform is entirely possible and can prove to be a more streamlined process in the legislature. The 19 states in the JRI case study have already begun making significant strides into comprehensive prison reform, and with this proposal, we can build off their momentum and extrapolate it to the rest of the United States.

## References

- Beck, Allen. "Prisoners in 1999." Washington DC Bureau of Justice Statistics. August 9, 2000. Accessed October 16, 2018. <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=928>
- Brady, Linda. "Indiana's Justice Reinvestment Journey: A Revamped Criminal Code." Monroe County, Indiana Circuit Court. March 2016. Accessed November 28, 2018. <http://gopopai.org/admincontentmanagement/wp-content/uploads/2016/03/Indianas-Justice-Reinvestment-Journey.pdf>
- "California's Three Strikes Sentencing Law." Judicial Council of California. 2018. Accessed October 18, 2018. <http://www.courts.ca.gov/20142.htm>
- Cardenas, Anthony. "New Policies Perpetuate Mass Incarceration." The Hill. May 18, 2017. Accessed October 17, 2018. <https://thehill.com/blogs/pundits-blog/crime/333984-new-policies-perpetuate-mass-incarceration>
- Cohen, Thomas H and Kyckelhahn. "Felony Defendants in Large Urban Counties, 2006." U.S. Department of Justice, Bureau of Justice Statistics. 2007. Accessed October 9, 2018. <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=2193>
- "Comprehensive Criminal Justice Reform Must Include Both Front End and Back End Reform." Human Rights Watch. October 4, 2017. Accessed November 13, 2018. <https://www.hrw.org/news/2017/10/05/comprehensive-criminal-justice-reform-must-include-both-front-end-and-back-end-0#>
- Cozzens, Quinn and Grote, Bret. "A Way Out: Abolishing Death By Incarceration in Pennsylvania." Abolitionist Law Center. September 2018. Accessed October 5, 2018. [https://abolitionistlawcenter.org/wp-content/uploads/2018/09/ALC\\_AWayOut\\_27August\\_Full1.pdf](https://abolitionistlawcenter.org/wp-content/uploads/2018/09/ALC_AWayOut_27August_Full1.pdf)
- "Crime in the United States - 2004." Federal Bureau of Investigation. October 17, 2005. Accessed October 16, 2018. [https://archives.fbi.gov/archives/news/stories/2005/october/crimestats\\_101705](https://archives.fbi.gov/archives/news/stories/2005/october/crimestats_101705)
- "Data Collection: National Prisoner Statistics (NPS) Program." United States Department of Justice, Bureau of Justice Statistics. 2010. Accessed October 5, 2018.
- "Data Collection: National Prisoner Statistics (NPS) Program." United States Department of Justice, Bureau of Justice Statistics. 2014. Accessed October 5, 2018.
- Davies, Elizabeth et al. "The Justice Reinvestment Initiative: Thinking Local for State Justice Reinvestment." Urban Institute. March 23, 2015. Accessed December 7, 2018. <https://www.urban.org/research/publication/justice-reinvestment-initiative>

- Dawson, John. "Prosecutors in State Courts: 1990." U.S. Department of Justice, Bureau of Justice Statistics. 1992. Accessed October 7, 2018. <https://www.bjs.gov/content/pub/pdf/psc90.pdf>
- Geiger, Abigail. "U.S. Private Prison Population has Declined in Recent Years." Pew Research Center. April 11, 2017. Accessed October 7, 2018. <http://www.pewresearch.org/fact-tank/2017/04/11/u-s-private-prison-population-has-declined-in-recent-years/>
- Gentzler, Ryan. "What's Driving Oklahoma's Prison Population Growth?" Oklahoma Policy Institute. February 9, 2016. Accessed November 20, 2018. <https://okpolicy.org/whats-driving-prison-population-growth/>
- Gottschalk, Marie. *Caught: the Prison State and the Lockdown of American Politics*. Princeton University Press, 2016.
- Harrison, Paige and Beck, Allen. "Prisoners in 2005." Washington DC Bureau of Justice Statistics. January 2007. Accessed October 16, 2018. <https://www.bjs.gov/content/pub/pdf/p05.pdf>
- Harvell, Samantha et al. "Reforming Sentencing and Corrections Policy." Urban Institute. December 19, 2016. Accessed November 13, 2018. <https://www.urban.org/research/publication/reforming-sentencing-and-corrections-policy>
- "Highest to Lowest- Prison Population Total." World Prison Brief. 2018. Accessed October 5, 2018. <http://www.prisonstudies.org/highest-to-lowest/prison-population-total>
- Hinds, Oliver et al. "People in Prison." Vera Institute of Justice. May 2018. <https://www.vera.org/publications/people-in-prison-2017>
- "History of North Carolina's Corrections System." North Carolina Department of Public Safety. 2018. Accessed November 20, 2018. <https://www.ncdps.gov/adult-corrections/history-of-corrections>
- Humphreys, Keith. "The Decline of Mass Incarceration is Good for Everyone." Washington Post. January 11, 2018. Accessed September 20, 2018. [https://www.washingtonpost.com/news/wonk/wp/2018/01/11/the-decline-of-mass-incarceration-is-good-for-everyone/?utm\\_term=.336778319d7e](https://www.washingtonpost.com/news/wonk/wp/2018/01/11/the-decline-of-mass-incarceration-is-good-for-everyone/?utm_term=.336778319d7e)
- Jaffe, Ina. "Cases Show Disparity of California's 3 Strikes Law." NPR: All Things Considered. October 30, 2009. Accessed October 17, 2018. <https://www.npr.org/templates/story/story.php?storyId=114301025>
- "Justice Reinvestment Initiative: Reducing Violent Crime by Improving Justice System Performance." U.S. Department of Justice. November 8, 2018. Accessed October 30, 2018. <https://www.bja.gov/funding/JRI18.pdf>

“JRI Measures: PA Justice System Joint Performance Measures.” Pennsylvania Commission on Crime and Delinquency. 2018. Accessed November 20, 2018.

“Justice Reinvestment in Washington State.” Justice Center: The Council of State Governments. June 24, 2014.  
[https://www.governor.wa.gov/sites/default/files/documents/Justice\\_Reinvestment\\_20140624.pdf](https://www.governor.wa.gov/sites/default/files/documents/Justice_Reinvestment_20140624.pdf)

Kang-Brown, Jacob and Hinds, Oliver. “Data Shows Mass Incarceration, Overall, is Decreasing. But the Public, Leaders Wouldn’t Know It.” USA Today. May 31, 2018. Accessed September 20, 2018. <https://www.usatoday.com/story/opinion/policing/data-casualties/2018/05/31/mass-incarceration-data-prison-policing-usa/652543002/>

LaVigne, Nancy et al. “Justice Reinvestment Initiative State Assessment Report.” January 2014. Urban Institute. Accessed November 22, 2018.  
<https://www.urban.org/sites/default/files/publication/22211/412994-Justice-Reinvestment-Initiative-State-Assessment-Report.PDF>

Lopez, German. “Congress’ Prison Reform Bill, Explained.” Vox: Policy and Politics. May 22, 2018. Accessed November 13, 2018. <https://www.vox.com/policy-and-politics/2018/5/22/17377324/first-step-act-prison-reform-congress>

Maguire, Kathleen and Pastore, Ann. “Sourcebook of Criminal Justice Statistics.” Washington DC Bureau of Justice Statistics. 2003 Accessed October 16, 2018.  
<https://www.ncjrs.gov/pdffiles1/Digitization/208756NCJRS.pdf>

“Mississippi 2014 Corrections and Criminal Justice Reform.” Pew Charitable Trusts. May 21, 2014. Accessed October 10, 2018. <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2014/05/21/mississippi-2014-corrections-and-criminal-justice-reform>

“New data: Pretrial risk assessment tool works to reduce crime, increase court appearances.” Laura and John Arnold Foundation. August 8, 2016.  
<http://www.arnoldfoundation.org/new-data-pretrial-risk-assessment-tool-works-reduce-crime-increase-court-appearances/>

“New Poll Finds That Urban and Rural America are Rethinking Mass Incarceration.” Vera Institute of Justice. April 19, 2018. Accessed November 27, 2018.  
<https://www.vera.org/newsroom/press-releases/new-poll-finds-that-urban-and-rural-america-are-rethinking-mass-incarceration>

“Number of Persons Under Correctional Supervision: 1980 – 2016.” Bureau of Justice Statistics. Accessed October 16, 2018. <https://www.bjs.gov/index.cfm?ty=kfdetail&iid=487>



- Porter, Nicole D. "The State of Sentencing 2015: Developments in Policy and Practice." The Sentencing Project. 2015. Accessed October 9, 2018. <https://sentencingproject.org/wp-content/uploads/2016/02/State-of-Sentencing-2015.pdf>
- Perry, Steven W, and Banks, Duren. "Prosecutors in State Courts, 2007 – Statistical Tables." U.S. Department of Justice, Bureau of Justice Statistics. December 2011. Accessed October 7, 2018. <https://www.bjs.gov/content/pub/pdf/psc07st.pdf>
- Pfaff, John F. *Locked In: The True Causes of Mass Incarceration--and How to Achieve Real Reform*. New York: Basic Books, 2017.
- Pfaff, John. "The Causes of Growth in Prison Admissions and Populations." Fordham University School of Law. July 2011. Accessed October 17, 2018. [https://web.law.columbia.edu/sites/default/files/microsites/criminal-law-roundtable-2012/files/Pfaff\\_New\\_Admissions\\_to\\_Prison.pdf](https://web.law.columbia.edu/sites/default/files/microsites/criminal-law-roundtable-2012/files/Pfaff_New_Admissions_to_Prison.pdf)
- "Press Release: Governor Raimondo Signs Justice Reinvestment Legislation." Rhode Island Office of the Governor. October 5, 2017. <https://www.ri.gov/press/view/31595>
- Revicki, Jesse et al. "Targeting Reforms at the Front-End of the Criminal Justice System." The Crime and Justice Institute. October 2015. Accessed November 13, 2018. [http://www.crj.org/assets/2017/07/20\\_Targeting\\_Reforms\\_at\\_the\\_Front\\_End.pdf](http://www.crj.org/assets/2017/07/20_Targeting_Reforms_at_the_Front_End.pdf)
- Sklansky, David. "The Problem with Prosecutors." *Annual Review of Criminology*. January 2018. Vol 1. 451-469. Accessed October 8 2018. <https://www.annualreviews.org/doi/full/10.1146/annurev-criminol-032317-092440>
- "Smart Justice Campaign Polling on Americans' Attitudes on Criminal Justice." American Civil Liberties Union, Conducted with the Benenson Strategy Group. October 11, 2017. [https://www.aclu.org/sites/default/files/field\\_document/aclu\\_campaign\\_for\\_smart\\_justice\\_poll\\_results.pdf](https://www.aclu.org/sites/default/files/field_document/aclu_campaign_for_smart_justice_poll_results.pdf)
- "South Dakota's 2013 Criminal Justice Initiative." Pew Charitable Trusts. 2013. Accessed November 22, 2018. <http://psia.sd.gov/PDFs/SouthDakotaBrief.pdf>
- "Statistical Tables - Prosecutors in State Courts." U.S. Department of Justice, Bureau of Justice Statistics. 2007. Accessed October 7, 2018.
- Stephan, James J. and Karberg, Jennifer C. "Census of State and Federal Correctional Facilities." Washington DC Bureau of Justice Statistics. August 24, 2003. Accessed October 16, 2018. <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=533>
- "Uniform Crime Reports 1960 - 2014." U.S. Department of Justice and Federal Bureau of Investigation: Uniform Crime Reporting Statistics. 2015. Accessed October 7, 2018. [/www.ucrdatatool.gov](http://www.ucrdatatool.gov).

- “Uniform Crime Reports 1960.” U.S. Department of Justice and Federal Bureau of Investigation: Uniform Crime Reporting Statistics. 2014. Accessed October 6, 2018. <https://www.bjs.gov/ucrdata/>
- Useem, Bert and Piehl, Anne M. “Prison State: The Challenges of Mass Incarceration.” Cambridge University Press. 2008.
- “Utah’s 2015 Criminal Justice Reforms.” Pew Charitable Trusts. June 18, 2015. Accessed December 7, 2018. <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2015/06/utahs-2015-criminal-justice-reforms>
- “The Evolving Landscape of Crime and Incarceration.” Greenberg Quinlan Rosner Research. April 19, 2018. Accessed November 27, 2018. <https://storage.googleapis.com/vera-web-assets/inline-downloads/iob-poll-results-summary.pdf>
- Tonry, Michael. “Explanations of American Punishment Policies: A National History.” Punishment and Society. June 17, 2009. Accessed October 17, 2018. <https://journals.sagepub.com/doi/10.1177/1462474509334609>
- Wagner, Peter and Sawyer, Wendy. “States of Incarceration: The Global Context 2018.” Prison Policy Initiative. June 2018. Accessed November 20, 2018. <https://www.prisonpolicy.org/global/2018.html>
- Ware, Wendy and Ocker, Roger. “Ten-Year Adult Secure Population Projection 2016—2026.” Pine Bluff: Arkansas Department of Corrections. June 2016. Accessed November 13, 2018. [https://adc.arkansas.gov/images/uploads/2016\\_Arkansas\\_Prison\\_Projection\\_Ten-Year\\_Adult\\_Secure\\_Population\\_Projection\\_Report.pdf](https://adc.arkansas.gov/images/uploads/2016_Arkansas_Prison_Projection_Ten-Year_Adult_Secure_Population_Projection_Report.pdf)
- “Where Pretrial Improvements are Happening.” Pretrial Justice Institute. July 2017. Accessed November 28, 2018. <https://higherlogicdownload.s3.amazonaws.com/NCJA/c3320104-776e-4e0e-b687-4ffa1fd54e8c/UploadedImages/National%20Forum/2017%20Forum/fanno-burdeen-where-pretrial-improvements-2017.pdf>
- Zuluaga, Katiri. “Diverse Stakeholders Gather to Discuss Mental Health and Criminal Justice Reform.” National Council of Mental Health. November 30, 2017. Accessed November 28, 2018. <https://www.thenationalcouncil.org/capitol-connector/2017/11/diverse-stakeholders-gather-discuss-mental-health-criminal-justice-reform/>

## **Curriculum Vitae**

Juan is a native of Colombia and has held various research-oriented roles since 2015. He has worked for a technology startup as a data analyst, and currently works as a researcher for an investigative firm headquartered in New York. Juan enjoys metal fabrication, automotive restoration, and maintaining an active lifestyle.